UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,934	10/29/2001	Eduard K. de Jong	P-7007	1043

24209   7590   08/15/2007
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EXAMINER
HOMAYOUNMEHR, FARID

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
08/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

<table>
<tr><td rowspan="3">Advisory Action
Before the Filing of an Appeal Brief</td><td colspan="2">Application No.</td><td colspan="2">Applicant(s)</td></tr>
<tr><td colspan="2">10/014,934</td><td colspan="2">DE JONG ET AL.</td></tr>
<tr><td>Examiner</td><td></td><td>Art Unit</td><td></td></tr>
<tr><td></td><td>Farid Homayounmehr</td><td></td><td>2132</td><td></td></tr>
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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>31 July 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1,2,4,5,7,8,10,11,13,14,17,19,20,22,23,25 and 28*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments that the rejection limits claim requirements to a gist and the reference teaches away from the claim requirements is found non persuasive in the view of the following discussion.

Applicant describes the claims limitations and argues: "The rejection confuses actions taken by the Information Bank of Pal with the electronic wallet of Pal and fails to track consistently what Pal taught as performing which actions." However, the rejection cites an example where the backup data is retrieved by the customer from the Information Bank (see cited paragraph 60). This example clearly shows transmission and reception of user data following a request for data from an Information Bank. The electronic wallet of Pal is cited to show Pal's teaching of the use of an user constrained device. Pal clearly teaches the use of a smart card (electronic wallet) as an alternative resource for saving and retrieving data. Therefore, Pal teaches receiving back up data from a resources (Information Bank), and also teaches obtaining data from the electronic wallet as an alternative to the Information Bank. Therefore, the rejection consistently tracks the claim requirement, by showing that the user data is retrieved from the user wallet, while performing all the steps required by the claim.

Applicant further argues: "Paragraph [0046] of Pal fails to teach or suggest anything concerning the browser or device on which the browser is executing as recited in these claims. Requesting data from the Information Bank by merchants has nothing to do with the requests made by a browser on a specific device." However, as mentioned above the rejection clearly discussed an example where user back up data is requested from the Information Bank. Pal also teaches the use of Browsers to obtain data. Therefore, parag. 46 teaches a system that information is provided in response to a request for information. The rejection further discusses an example where the user data is requested from the Information Bank. Therefore, Pal teaches the claim requirements of "requesting, by a Browser accessing a network site". Other elements of claim are also fully discussed by the rejection as discussed below and in response to applicant's arguments.

Applicant further argues: "Similarly, a browser executing on a specific device is
reduced to a gist of some browser executing on a device in general. There has been no showing or suggestion of a browser executing on one device that requests user data from the electronic wallet of Pal." However, Applicant fails to cite which part of the "one specific device" is not being addressed by the rejection, and therefore, it is not clear why applicant believes the device is reduced to a gist. Clearly, the browsers suggested by Pal are running on "a device".

Applicant cites paragraph 60 of Pal, and further argues that the cited paragraph 60 teaches away from the claimed invention. Applicant argues: "This teaches that when information is unavailable on a hard drive, and not the electronic wallet cited, the effort is not directed towards the device on which the browser is executing, but rather over a network to the Information Bank of Pal. The very information relied upon in the rejection teaches away from the interpretation given in the rejection." However, this is a false conclusion, because paragraph 60 does not say that when information is not available on the disc, the system should not look into another internal resource, and must look for data in an external resource, such as a network Information Bank. In fact, paragraph 60 teaches that when information is not available on one resource, the system looks for data in another place. This teaching is used to show Pal's teaching of another feature of claimed invention, which will be discussed in the following paragraphs. As mentioned in the rejection, paragraph 60 shows an example of when backup user data is requested from an Information Bank. This is exactly what paragraph 60 teaches.

Applicant further argues: "Further, the rejection takes the information out of context and mischaracterizes the teachings. To arrive at the interpretation in the rejection, information about hard drive failure in paragraph [0060] has to be taken and applied to the electronic wallet, and the Information Bank has to be changed to the hard drive on the device on which the browser is executing. The rejection has not cited any justification for such modifications." However, The rejection uses the example of backup data retrieval and storage, which is depicted by Pal, using the Information Bank as a data storage resource. Pal clearly suggests the use of smart cards as an alternative way to store data. In addition to teachings of Pal, it is well-known that smart cards are used to store and retrieve data, specifically when data is not accessible from the disc, and hence the use of smart cards as a data storage and retrieval resource is well justified. Therefore, Pal teaches retrieving data from an Information Bank (a data storage and retrieval resource), and a smart card, as taught by Pal, is a resource to store and retrieve data. Therefore, Pal teaches retrieving and storing backup data using a smart card.

Applicant further cites the official notice taken by the examiner and argues that the official notice is traversed. The only reason stated by the applicant is as follows: "Moreover, contrary to the triviality, Pal taught an independent Information Bank on a network to address issues when information could not be found on a device, such as in the cited paragraph [0060] of Pal. The Information Bank of Pal cannot be characterized as a triviality." However, the official notice was taken relative to the requirement of requesting information from the user-controlled device before another device. The official notice was not taken to deem the information bank trivial, and It is not clear how teaching of an independent Information Bank negates the official notice.

Applicant further argues: "Moreover, as explained above, in these claim, it is a browser that does the alternative efforts to locate the information. To use Official Notice, the Examiner must demonstrate that it was well known to have a browser search across multiple devices in response to a request from a network site for user data." However, a "browser" is a device that accesses a network site (see applicant's own definition in the last paragraph of page 13 of their response dated 8/3/2007). Pal teaches use of Netscape and Microsoft browsers (see parag. 60). A browser runs on a platform, such as a typical computer PC. The PC is the device that browses the network, using the browser software. Therefore, the browser system includes the PC that runs the browser software, such as the Internet Explorer. The PC includes a processor, and includes external devices, such as smart cards. Pal mentions the use of browsers to store data in its section titled "Background of Invention", paragraphs 5-8. The browsing PC clearly performs looking for alternative resources, once the primary resource does not have the requested data. Note that   paragraph 8 clearly teaches the need to protect user's personal

information stored on the PC in an alternative resource. Therefore, Pal teaches a browsing system that would search across multiple devices in response to a request from a network site for user data.

Applicant further argues: "In general, if a browser is provided a URL and the file at the location addressed by the URL is not found, the browser simply issues an error. If the Examiner alleges some alternative browser behavior is routine, a reference is required." However, applicant has confused the browser operation to find the location of resource of data (URL), with a browser system operation to locate the data to be transmitted and/or received from a resource. The operation of a browser system cited in claim rejection is related to data transmission and reception by a typical browsing system. It has nothing to do with finding a website using its URL.

All requirements of claims are addressed based Pal's teachings, which includes a typical browsing system. Applicant's arguments regarding other claims is based on the same arguments as mention above, except for claim 25, where applicant argues: "Paragraph [0030] describes an operation taken by the Information Bank. Since the Information Bank performs the operation, there is no need for the smart card of Claim 25." However, it is not clear how the applicant traverses the rejection of claim 25. The rejection clearly shows that the production of the randomized ID and storing/retrieving it as a user data is taught by Pal. Since Pal teaches using the smart card as a resource to store and retrieve user data, it also teaches storing and retrieving the randomized ID using the smart card.

Based on the above discussion, applicant's argument relative to allowability of the pending claims is non persuasive. The amended claims that do not raise a new issue are entered.